9th Election District

4th Councilmanic District A. C. Hubbard, Jr., et ux Petitioners

* * * * * * * * * *

* DEPUTY ZONING COMMISSIONER

* OF BALTIMORE COUNTY

*. Case No. 90-326-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance to permit a front yard setback of 16 feet in lieu of the equired 40 feet for a proposed addition in accordance with Petitioner's Exhabit 1.

The Petitioners appeared and testified. Also appearing on behalf of the Petition were J. Edward Dudgeon, Builder, and his assistant, Bob DeCarlo, and Arthur Valk, III, Architect. There were no Protestants.

Testimony indicated that the subject property, known as 1408 Walnut Hill Lane, consists of 1.9 acres zoned D.R. 2 and is improved with a single family dwelling which has been Petitioners' residence for the past 20 years. Petitioners are desirous of constructing an addition on the front side of the existing dwelling to provide more habitable space. The Hubbards restified they would suffer practical difficulty if strict compliance with the zoning regulations was required due to the layout of the existing dwelling, its location on the subject property, which has been extensively landscaped, and the topography of the land. Petitioners testified they have discussed their plans with the adjoining affected property owners who have no objections. Further, two of their neighbors across the street from the subject property have indicated their approval of the request as evidenced by Petitioner's Exhibits 2A and 2B. Testimony

indicated the relief requested will not result in any detriment to the health, safety or general welfare of the community.

Based upon the testimony and evidence presented at the hearing, all of which was uncontradicted, in the opinion of the Deputy Zoning Commissioner the relief requested sufficiently complies with the requirements of Section 307 of the Baltimore County Zoning Regulations (A.C.Z.R.) and, therefore, should be granted. There is no evidence in the record that the subject variance would adversely affect the health, safety, and/or general welfare of the public. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 20th day of February, 1990 that the Petition for Zoning Variance to permit a front yard setback of 16 feet in lieu of the required 40 feet for a proposed addition in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following

> 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

_ M Notence. ANN M. NASTAROWICZ Deputy Zoning Commissioner for Baltimore County

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AMN:bjs

#197

#197

PETITION FOR ZONING VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 1 Bo2.3 CI TO PERMIT A FRONT PARO SETBACK of 16'-0" IN LIEU OF REQUIRED 40'-0"

of the Zoning Regulations of Baltimere County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty) 1. TOPOGENPHY OF LAND, AND EXISTING SEPTIC, PESTRICT BUILDING TO THE PROPOSED SIDE OF THE PROPERTY. 2. VALUE OF EXISTING CANOSCAPING PROMIBITS CONSTRUCTION IN AREAS 2. VALUE OF EXISTING CANDOCTION AREA.
OTHER THAN THE ADDOSED CONSTRUCTION AREA.
3. CONVENIENCE AND USE OF SPACE REQUIRES THE ADDITION BE PUTON
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3. CONVENIENCE ADDITION BE P CILLANT LOCATION PRESERVES ABSTRETICS OF Home.
Property is to be posted and advertised as prescribed by Zoming Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and see to be bound by the zoning regulations and restrictions of lialtimore County adopted pursuant to the Zoning Law For Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition. Contract Purchaser: A.C. HUBBARO JR (Type or Print Name) PENNY C. HUBBARD City and State

Attorney for Petitioner: 1408 WALNUT HILL LANG (Type or Print Name) BATIMORY MO 21204
City and State

Name, address and phone number of legal owner, con-tract purchaser or representative to be contacted J. EDWAKD DUDGEON FORM. CHARLES ST 547-0909

Address BAZTIMOLO 21201 Phone No.

90-326-A

ZONING DESCRIPTION

Beginning at a point on the north side of Walnut Hill Lane which is forty feet wide at the distance of Six Hundred and Twetney two feet east of the centerline of the nearest improved intersecting feet cast of the centerline of the nearest improved intersecting atrect. Sherwood Avenue, which is thirty feet wide. Being lot # 10, block # 11, section # 11, as recorded in Baltimore County Plat Book # 2, Folio # 131, centaining 1.9 acros. Also known as 1409 Walnut Hill Lane and located in the ninth clasterist district clectrion district

PETITIONER(S) SIGN-IN SHEET PLEASE PRINT CLEARLY 1408 Walnut Hil La. 21204 1408 Walant Hill Za. 21204 ac Hilbert. Bol De Chilo Biller 1910 Slewood aux

Baltimore County Zoning Commissioner
Office if Planning & Zoning Towson, Maryland 21204 (301) 887-3353 J. Robert Haine

February 20, 1990

Mr. & Mrs. A. C. Hubbard, Jr. 1408 Walnut Hill Lane Baltimore, Maryland 21204

RE: PETITION FOR ZONING VARIANCE N/S Walnut Hill Lane, 622' E of the c/l of Sherwood Road (1408 Walnut Hill Lane) 9th Election District - 4th Councilmanic District A. C. Hubbard, Jr. et ux - Petitioners Cas. No. 90-326-A

Dear Mr. & Mrs. Hubbard:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Zoning Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 887-3391.

Very truly yours,

A M Notoran ANN M. NASTAROWICZ Deputy Zoning Commissioner for Baltimore County

cc: People's Counsel

February 10, 1990

Mr. J. Robert Hains Zoning Commissioner, Baltimore County Baltimore, Md. 21205

Dear Mr. Hains:

I have reviewed the building plans now filed with Baltimore County for a variance, showing a one-story addition to 1408 Walnut Hill Lane. These plans include the location of the new addition.

I am aware of what the addition will look like and where it is to be located, and have no objection to it's construction as

Sincerely Yours,

Richard & Gatchell 1411 Woshut Hill have Boltwood, 17d. 21204

PETITION FOR ZONING VARIANCE TO THE ZONING COMMISSIONER OF BALTIKORE COUNTY:

The undersigned, legal owner(5) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby patition for a Variance from Section 1 BO 2.3 CI TO PERMIT A FRONT YINKA SETBACK OF 16'-0' IN LIEU OF REDVICED 40'-0"

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty)

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12/15/89 117000197 PUBLIC HEARING FEES

010 -ZONING VARIANCE (IRL)

LAST NAME OF DUMER: HUBBARD

B 8850******3590:a 215#F Please make checks payable to: Baltimore County

ESTIMATED LENGTH OF HEARING (-1/25%.) AVAILABLE FOR BEARING HON./TOPS./KED. - WEXT THO NORTES

February 10, 1990

Mr. J. Robert Hains Zoning Commissioner, Baltimore County Baltimore, Md. 21205

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Cercl Macht Lerman

Sincerely Yours,

1409 Walnut Heil lane-

Baltimore County Zoning Commissioner Office of Planning & Zoning Towson, Maryland 21204 (301) 887-3353

Mr. & Mrs. A. C. Hubbard, Jr. 1408 Walnut Hill Lane Baltimore, MD 21204

RE: Item No. 197, Case No. 90-326-X Petitioner: A. C. Hubbard, Jr., et ux Petit a for Zoning Variance

Dear Mr. & Mrs. Hubbard:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE WINIARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 987-3391.

Zoning Plans Advisory Committee

JED:jw

Enclosures

cc: Mr. J. Edward Dudgeon 802 N. Charles Street Baltimore, MD 21201

Baltimore County Zoning Commissioner Office of Planning & Zoning Towson, Maryland 21204 (301) 887-3353 J. Robert Haines Zoning Commissioner



Your petition has been received and accepted for filing this 27th day of December, 1989.

> 1. Robert Haines
> VING COMMUNICATION ZONING COMMISSIONER

Petitioner: A. C. Hubbard, et ux Petitioner's Attorney:

BALTIMORE COUNTY, MARYLAND INTER-OFFICE CORRESPONDENCE

J. Robert Haines Zoning Commissioner DATE: December 20, 1989

Pat Keller, Deputy Director Office of Planning and Zoning

SUBJECT: A. C. Hubbard, Jr., et ux, Item 197

The Petitioner requests a Variance to front yard setback requirements.

In reference to this request, staff offers no comment.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

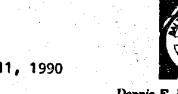
PK/JL/cmm

Zoning Commissioner

Office of Planning & Zoning

Towson, Maryland 21204

Baltimore County Department of Public Works Bureau of Traffic Engineering Courts Building, Suite 405 Towson, Maryland 21204 (301) 887-3554



January 11, 1990

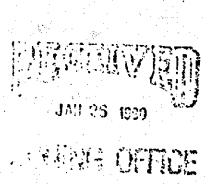
J. Robert Haines Zoning Commissioner County Office Building Towson, MD 21204

Dear Mr. Haines:

The Bureau of Traffic Engineering has no comments for items number 191, 192, 194, 195, 196 and 337

Very truly yours,

Michael S. Henry Michael S. Flanigan. Traffic Engineer Assoc. II



Zoning Commissioner Office of Planning and Zoning Zoning Item 197, Zoning Advisory Committee Meeting of Vetaler 26, 1989 Property Owner: A.C. Hubbard, Jr. et ux

Location: 1408 Walnut Hill Lane

() Prior to approval of a Building Permit for construction, renovation and/or installation of equipment for any existing or proposed food service facility, complete plans and specifications must be submitted to the Plans Review Section, Bureau of Regional Community Services, for final review and approval.

Prior to new installation(s) of fuel burning equipment, the owner shall contact the Bureau of Air Quality
Management, 887-3775, to obtain requirements for such installation(s) before work begins. () A permit to construct from the Bureau of Quality Management is required for such items as spray paint processes, underground gasoline storage tank(s) (5,000 gallons or more) and any other equipment or

() A permit to construct from the Bureau of Air Quality Management is required for any charbroiler generation process which exhausts into the atmosphere. which has a total cooking surface area of five (5) square feet or more.

Prior to approval of a Building Permit Application for renovations to existing or construction of new rrior to approval of a religing retuint apprication for removations to existing or construction of the health care facilities, complete plans and specifications of the building, food service area and type of equipment to be used for the food service operation must be submitted to the Plans Review and Approval or equipment to be used for the root service operation must be summitted to the reans keview and Approval Section, Division of Engineering and Maintenance, State Department of Health and Mental Hygiene for

Prior to any new construction or substantial alteration of public swimming pool, wading pool, bathhouse, sources, whirlpools, hot tubs, water and severage facilities or other appurtenances pertaining to health and safety; two (2) copies of plans and specifications must be submitted to the Baltimore County Department and safety; two (2) copies of plans and specifications must be summitted to the baltimore councy bepartment of Environmental Protection and Resource Management for review and approval. For more complete information, contact the Water Quality Monitoring Section, Bureau of Regional Community Services, 687-6500 x 315. Prior to approval for a nursery school, owner or applicant must comply with all Baltimore County regulations

For more complete information, contact the Division of Maternal and Child Health. If lubrication work and oil changes are performed at this location, the method providing for the elimination

of waste oil must be in accordance with the State Department of the Environment.) Prior to razing of existing structure(s), petitioner must contact the Division of Waste Management at 887-3745, regarding removal and/or disposal of potentially hazardous materials and solid wastes. et 00/-3/43, regarding removal and disposal of potentially management regarding removal of asbestoes, 887-3775.

Petitioner must contact the Bureau of Air Quality Management regarding removal of asbestoes, 887-3775. Any abandoned underground storage tanks containing gasoline, waste oil, solvents, etc., must have the

contents removed by a licensed hauler and tank removed from the property or properly backfilled. Prior to removal or abandoment, owner must contact the Division of Waste Management at 887-3745.

Soil recolation tests, have been ____, must be ____, conducted.

() The results are valid until

() Soil percolation test results have expired. Petitioner should contact the Division of Water and Sewer to determine whether additional tests are required.

1. Where water wells are to be used as a source of water supply, a well meeting the minimum Baltimore County Standards must be drilled. In accordance with Section 13-117 of the Baltimore County Code, the water well yield test

() shall be valid until

() is not acceptable and must be retested. This must be accomplished prior to conveyance of property and approval of Building Permit Applications. Prior to occupancy approval, the potability of the water supply must be verified by collection of bacterio-

If submission of plans to the County Review Group is required, a Hydrogeological Study and an Environmental Effects Report must be submitted. For more information contact the Division of Environmental Management

In order to subdivide this property, the owner or developer will be required to comply with the subdivision regulations of the State of Maryland and Baltimore County. If there are any questions regarding the subdivision process, please contact the Land Development Section at 887-2762.

Others A deviation to siting criteria requiring a distance of from wells to now construction will have to be approved by this office prior to issuance of bailing permit For further Information, contact Norman Morris at 887-2762

M. L. Morres CHAITY AND RESOURCE

Baltimore County Fire Department 700 East Joppa Road, Suite 901 Towson, Maryland 21204-5500 (301) 887-4500 Paul H. Reincke

DECEMBER 29, 1989

J. Robert Haines Zoning Commissioner Office of Planning and Zoning Baltimore County Office Building

Towson, MD 21204

A.C. HUBBARD, JR. RE: Property Owner:

#1408 WALNUT HILL LANE Zoning Agenda: DECEMBER 26, 1989 Location: Item No.:

Pursuant to your request, the referenced property has been surveyed by rursuant to your request, the referenced property has been surveyed this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1988 edition prior to occupancy.

REVIEWER: Cathery Telly 12/29/89 A.
Planding Group
Special Inspection Division

(301) 887-3353 J. Robert Haines Mr. & Mrs. A. C. Hubbard, Jr. 1408 Walnut Hill Lane Baltimore, Maryland 21204 Dennis F. Rasmusser Petition for Zoning Variance CASE NUMBER: 90-326-A N/S Walnut Hill Lane, 622' E of c/l of Sherwood Road 1408 Walnut Hill Lane 9th Election District - 4th Councilmanic Petitioner(s): A. C. Hubbard, Jr., et ux HEARING: THURSDAY, FEBRUARY 15, 1990 at 2:00 p.m. Please be advised that \$142.77 is due for advertising and posting of the above captioned property. THIS FEE MUST BE PAID AND THE ZONING RACE Zoning Commisioner County Office Building PUBLIC HEARING FEES

Baltimore County Zoning Commissioner Office of Planning & Zonin Towson, Maryland 21201 (301) 887-3353

J. Robert Haines

NOTICE OF HEARING



The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 108 of the County Office Building, located at 111 M. Chesapeake Avenue in Towson, Maryland as

Petition for Zoning Variance CASE NUMBER: 90-326-A N/S Walnut Hill Lane, 622' E of c/l of Sherwood Road 1408 Walnut Hill Lane 9th Election District - 4th Councilmanic Petitioner(s): A. C. Hubbard, Jr., et ux HEARING: THURSDAY, FEBRUARY 15, 1990 at 2:00 p.m.

Variance to permit a front yard setback of 16 ft. in lieu of the required 40 ft.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

NOTE:

(If "PHASE II" of the "SNOW EMERGENCY PLAN" is in effect in Baltimore County on the above hearing date, the Hearing will be postponed. In the event of snow, telephone 687-3391 to confirm hearing date.)

ZONING COMMISSIONER BALTIMORE COUNTY, MARYLAND

A. C. Hubbard, Jr. J. Edward Dudgeon

